

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UCHENNA UGO-ALUM and ASHER BERKOVIC, :
individually and on behalf of all others similarly situated, :
Plaintiff, :
-v- : 23 Civ. 7458 (JPC)
NEW YORK STATE DEPARTMENT OF MOTOR :
VEHICLES, MARK J.F. SCHROEDER, Commissioner :
(in his official capacity), JOSHUA VINCIGUERRA, :
Deputy Commissioner and General Counsel (in his :
official and personal capacities), SARYA CRAFT, :
Deputy Commissioner and Chief Information Officer (in :
her official and personal capacities), and CHRISTINE M. :
LEGORIUS, First Assistant Counsel (in her official and :
personal capacities), :
Defendants. :
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JOHN P. CRONAN, United States District Judge:

On December 8, 2023, Defendants moved to dismiss the Complaint, Dkt. 1, for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) and for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). Dkt. 31 (“Motion”). On January 16, 2024, Plaintiffs filed their opposition, Dkt. 34 (“Opposition”), and on February 6, 2024, Defendants filed their reply, Dkt. 36 (“Reply”).

In their motion, Defendants argue that Plaintiffs’ claims are time barred, referencing the statute of limitations for actions brought under 42 U.S.C. § 1983. Motion at 1-5. In response, Plaintiffs argue that their claims are not time barred and also cursorily note that “Defendants time-bar argument wouldn’t end this case, even if the defense applied here” because “Defendants acknowledge this defense doesn’t cover Plaintiffs’ claims for equitable relief.” Opposition at 13 n.14. Defendants then replied to this contention with their own footnote, asserting, without

explanation or citation to supporting authority, that “Plaintiffs are incorrect that Defendants argue that statute of limitations would not dispose of all claims.” Reply at 5 n.3.

The Court hereby orders the parties to submit supplemental briefing providing their views on whether Defendants’ time-bar argument would, if successful, apply to and dispose of all the causes of action asserted in the Complaint, with legal authorities to support their positions. The parties shall simultaneously file briefs of no longer than ten pages double spaced addressing this issue by July 3, 2024.

SO ORDERED.

Dated: June 26, 2024
New York, New York



JOHN P. CRONAN
United States District Judge